

CASE NO. 08cv3131

ATTACHMENT NO. 10

EXHIBIT D-part 2

TAB (DESCRIPTION) _____

1 you're both ganging up on me.

2 MS. ROSEN: That's true.

3 MS. MAYHEW: I'm just going to object. I mean,
4 you've asked her about the last 24 hours. You're
5 certainly allowed to ask about that. You'll be
6 able to probably ask to an extent some questions
7 about the night of the incident, the 24 hours
8 leading up to that. I still fully believe it
9 doesn't matter how long she's been going to this Nu
10 Way clinic, it doesn't matter how long she's been
11 on methadone. I have to make an objection as to
12 the relevance with respect to any line of
13 questioning with respect to anything beyond what
14 might affect her testimony today or the evening of
15 the incident.

16 MR. FITZSIMMONS: We will have fun with this.

17 MS. MAYHEW: I was on methadone. It actually
18 can be used as an analgesic. It's prescribed by a
19 doctor. It's not just for recovering heroin
20 addicts as you put forth. There are other things
21 that doctors prescribe medications for.

22 BY MR. FITZSIMMONS:

23 Q. Over the objection, how long have you been
24 going to Nu Way Methadone Clinic for methadone?

60

1 A. I don't recall that. I forgot how many
2 years I've been there.

3 Q. Is it before you started working for
4 Streetwise?

5 A. No.

6 Q. Okay. Have you gone to any other --
7 before you went to Nu Way did you go to any other
8 methadone clinics?

9 MS. MAYHEW: Objection. Standing objection.

10 MR. FITZSIMMONS: Standing objection is fine.

11 BY MR. FITZSIMMONS:

12 Q. Where did you go before Nu Way?

13 A. Do I have to actually answer these
14 questions? That's not concerning this here.

15 Q. Miss Coleman, here's my position. I don't
16 care if you answer them or not. However, if you
17 don't answer them, I'm going to move very strongly
18 for the judge to exclude you as a witness because
19 of your credibility. It doesn't matter to me. I
20 just assume have you excluded as a witness. If you
21 want to o help Metra, my suggestion would be answer
22 the questions. If yu want to hurt metra and help
23 me, then don't answer the questions.

24 MS. ROSEN: First of all, she's not here to

1 hurt our help anybody. That's not her -- she's an
2 independent witness.

3 MR. FITZSIMMONS: Independent witness as far as
4 you're concerned. As far as I'm concerned she is a
5 de facto witness for Dion Kimble.

6 MS. ROSEN: Okay. I can definitely understand
7 why you're putting her in the category as our
8 witness. But she is an independent witness.
9 That's number one. Number two, if you want to ask
10 her about the specific time that's relevant to this
11 period -- what she's doing today is not relevant.
12 Certainly what she was doing many years prior is
13 relevant. Limit your questions enough to give to
14 your expert within a limited period of time prior
15 to the incident, that would be at least arguably
16 something to bring to the judge; but to ask these
17 broad questions that go well beyond the scope of
18 anything that can come into this case, no that's
19 not relevant at all. That's meant to harass her.

20 MR. FITZSIMMONS: It's not meant to harass her.

21 BY MR. FITZSIMMONS:

22 Q. I want to know how long you've been a
23 methadone patient. Can you answer that question?

24 A. I don't -- how long I've been a methadone

1 patient, I don't recall. I can't remember.

2 Q. Okay. How do you spell the name of this
3 New Way, N-e-w, W-a-y?

4 A. N-u, Nu Way.

5 Q. Okay. Do you have a telephone number for
6 them?

7 A. Not with me.

8 Q. Okay. Do you know their specific street
9 address?

10 A. It's right on the corner of 71st and
11 Langley.

12 Q. So what would that be about if you can
13 surmise, 7500?

14 A. About 57 east.

15 Q. 75th Street?

16 A. Yes.

17 Q. Now, let's go back to August 30, 2007.

18 Did you use methadone on August 30, 2007?

19 A. No.

20 Q. Okay. Did you use it on August 29, 2007?

21 A. No.

22 Q. Did you use it on August 28, 2007?

23 A. Sometimes I skip taking it.

24 Q. Okay. Now, in the times that you skipped

1 taking it, would it be necessary for you to use
2 heroin?

3 A. No.

4 Q. How long can you without taking it?

5 A. 72 hours.

6 Q. Okay. So are you -- let me clarify my
7 question. I've asked you about August 28, 29 and
8 30 of 2007. Are you stating for a fact that you
9 did not take methadone on those days or are you
10 telling me you can't recall if you did?

11 A. I didn't take it.

12 Q. How do you know you didn't take it?

13 A. I know I didn't take it.

14 Q. All right. Have you used any alcohol in
15 the last 72 hours?

16 A. No.

17 Q. Have you ever been in any kind of an
18 alcohol treatment plan or a clinic?

19 A. No, no.

20 Q. Have you ever been diagnosed as
21 schizophrenic?

22 A. No.

23 Q. Have you ever been diagnosed as being
24 paranoid?

1 A. No.

2 Q. Have you ever been in any type of a mental
3 health facility?

4 A. No.

5 MS. MAYHEW: Objection, relevance.

6 BY MR. FITZSIMMONS:

7 Q. At the time -- in between the time in
8 between August 30, 2007, and today, June 12, 2009,
9 how many times have you been hospitalized?

10 MS. MAYHEW: Objection, relevance.

11 THE WITNESS: What that got to do with this?

12 BY MR. FITZSIMMONS:

13 Q. How many times have you been hospitalized?

14 MS. MAYHEW: As to form. Do you mean actually
15 admitted or just gone to the ER, I mean, when you
16 say hospitalized.

17 BY MR. FITZSIMMONS:

18 Q. We'll break it down then.

19 How many times have you been admitted to a
20 hospital between August 30, 2007, and June 12,
21 2009?

22 MS. MAYHEW: And I still object on relevance.

23

24 BY MR. FITZSIMMONS:

1 Q. How many times have you been admitted to a
2 hospital?

3 MS. ROSEN: What is the relevance.

4 MR. FITZSIMMONS: The relevance is that I
5 believe the evidence is going to show that
6 Miss Coleman suffers from paranoid schizophrenia
7 which is the cause of many of her problems in life
8 and that there's a history of it, okay.

9 MS. ROSEN: Okay. Well, if you're going to ask
10 her -- oh.

11 MR. FITZSIMMONS: It goes back to August 30,
12 2007, and will color and affect her judgment on
13 that day and her recollection and memory of what
14 occurred.

15 And I do have a right to go into that,
16 into the ability of this witness to remember, to
17 have perceived correctly at the time, to have been
18 able to make perceptions that a reasonable jury
19 would accept as reasonable. That's why.

20 MS. ROSEN: Well, I don't think any of these
21 alleged mental conditions are such that they
22 actually deprive the witness of being able to
23 remember what the incidents are and to go into that
24 really --

1 MR. FITZSIMMONS: Go off the record for a
2 minute.

3 (Whereupon, a discussion was had off the record.)

4 BY MR. FITZSIMMONS:

5 Q. Okay. Miss Coleman, you've indicate that
6 you had take high blood pressure medication. Did
7 you take any of that medication today prior to
8 coming here?

9 A. Yes.

10 Q. What time did you take it at about?

11 A. About 7:00 this morning.

12 Q. Did you take medication for diabetes?

13 A. Yes.

14 Q. Same time?

15 A. Yes.

16 Q. And methadone, did you take methadone
17 today?

18 A. No.

19 Q. Yesterday?

20 A. Yes.

21 Q. About what time yesterday?

22 A. About 2:00.

23 Q. In the afternoon?

24 A. Yes.

1 Q. Okay. Is there any other medication that
2 you're -- that is prescribed for you by any source
3 or that you take on a regular basis?

4 A. My asthma inhaler when I need it.

5 Q. And what kind of an asthma inhaler do you
6 have?

7 MS. ROSEN: Again, just all medications, we
8 still maintain a continuing objection.

9 BY MR. FITZSIMMONS:

10 Q. When is the last time you used your asthma
11 inhaler?

12 A. A couple of days ago.

13 Q. What kind of an asthma inhaler is that?

14 A. Albuterol.

15 Q. Albuterol.

16 Anything else besides Albuterol, high
17 blood pressure medicine, diabetic medicine and
18 methadone?

19 A. No.

20 Q. Okay. You've indicated you had no other
21 drugs that you used today, right?

22 A. Right.

23 Q. I asked you before and we got into an
24 objection, and you never answered the question or

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1 told us whether or no you're going to refuse to
2 answer.

3 Have you ever been in the last 17 years
4 you've been an employee of Streetwise, have you
5 ever been admitted to a mental health facility?

6 A. No.

7 Q. Have you ever been treated --

8 MS. MAYHEW: Maintain out objection.

9 MR. FITZSIMMONS: Right, standing objection, I
10 note that.

11 BY MR. FITZSIMMONS:

12 Q. Have you ever been an outpatient in any
13 type of mental health treatment center?

14 A. No.

15 Q. Have you ever been treated by a mental
16 health service provider?

17 A. No.

18 Q. Now, let's talk a little bit about your
19 employment with Streetwise. What are your hours at
20 Streetwise?

21 A. I work the hours that I choose to work.

22 Q. Okay. Are you required to punch in
23 anywhere?

24 A. No.

1 Q. Do you have a supervisor that supervises
2 your tasks in selling papers?

3 A. We have a vendor rep.

4 Q. A vendor rep, okay.

5 Explain to me what the vendor rep does.

6 A. A vendor rep is -- he's over all the
7 vendors, and people call him if something's going
8 wrong or they want to report something.

9 Q. Is your position or title that of vendor?

10 A. Yes.

11 Q. So that is the name of what you are?

12 A. A vendor.

13 Q. Okay. Do you have that Streetwise badge
14 with you today?

15 A. I have a badge with me, but not the
16 original.

17 Q. Did you have the original on August 30 --

18 A. Yes.

19 Q. -- 2007?

20 A. Yes.

21 Q. What's happened to that original since
22 August --

23 A. I have been sick, and I haven't went in to
24 have a new badge made.

1 Q. Did they take that badge away from you at
2 some time?

3 A. No.

4 Q. What happened to that badge?

5 A. I haven't been into the office. I've been
6 sick.

7 Q. But you had a badge, though, on August 30,
8 2007, that you claim showed that you were an
9 employee of Streetwise; is that correct?

10 A. Yes, yes.

11 Q. Okay. After August 30, 2007, where did
12 that badge physically go?

13 A. Back home with me.

14 Q. So do you still have that badge back home
15 with you now?

16 A. Yes.

17 Q. Okay. And what does that badge from
18 Streetwise say?

19 A. Streetwise, my name.

20 Q. Does it have an expiration date?

21 A. Yes.

22 Q. What is the expiration date on that
23 particular badge, if you know?

24 MS. MAYHEW: The one from August 30?

1 BY MR. FITZSIMMONS:

2 Q. The one from August 30, 2007.

3 A. All I remember is it expired in 2008.

4 Q. Okay. Now, you have no specific hours as
5 a Streetwise vendor, correct?

6 A. Right.

7 Q. You're not required to punch in at any
8 particular physical location; is that correct?

9 A. No.

10 Q. Do you -- does the vendor rep actually
11 supervise your activities?

12 A. No.

13 Q. Okay. The vendor rep doesn't give you
14 direction on how to perform the work?

15 A. Well, they have the orientation explaining
16 to you how you should act out there.

17 Q. Does he direct you where to go to sell?

18 A. We pick our own spots.

19 Q. Does he direct you in any type of --
20 strike that question.

21 Does he tell you to wear any type of a
22 uniform?

23 A. Our Streetwise badge.

24 Q. Other than the Streetwise badge, are

1 you -- do you have any type of specific uniform?

2 A. Well, they have aprons and hats, but it's
3 your choice if you want to wear it.

4 Q. So you're not required to?

5 A. No.

6 Q. When you are paid, how are you paid?

7 A. People buying the papers.

8 Q. Explain to me the nature of the
9 compensation scheme that Streetwise provides for
10 its employees, as you've described yourself,
11 vendors?

12 MS. MAYHEW: Object as to relevance.

13 THE WITNESS: What?

14 BY MR. FITZSIMMONS:

15 Q. Okay. Does Streetwise pay you in a check?

16 A. No.

17 Q. Does Streetwise give you a 1099 form at
18 the end of the calendar year?

19 A. If you choose to -- I guess there's a 1099
20 form where you can file income tax.

21 Q. Okay. Have you ever filed income taxes?

22 A. Yes.

23 MS. MAYHEW: I'm just going to make a standing
24 objection as to her compensation, filing a tax

1 return, relevance.

2 MR. FITZSIMMONS: The relevance is that she
3 claims she's an employee.

4 MS. MAYHEW: I'm just making my objection. I'm
5 just asking that you -- it be a standing objection.

6 MS. ROSEN: Well, I'm going to just double tag
7 this one.

8 MR. FITZSIMMONS: You are.

9 MS. ROSEN: Her definition of what an employee
10 is, an independent contractor is, you know, may be
11 different. She's a layperson.

12 MR. FITZSIMMONS: I know she's a layperson.

13 MS. ROSEN: Owe!, you've obviously asked her
14 that with the 1099.

15 MR. FITZSIMMONS: I assume that when I put her
16 up on the stand at a jury trial, you're going to
17 ask her, what were you doing. She's going to say,
18 I was working in the course of my employment with
19 Streetwise. Okay.

20 MS. ROSEN: What she understands employment is.

21 MR. FITZSIMMONS: Do we need to go into whether
22 it really is employment or not, and that's why I'm
23 asking specific questions, Counsel.

24 MS. ROSEN: That's true, but again . . .

1 BY MR. FITZSIMMONS:

2 Q. How many -- for how many years have you
3 filed income tax returns since you've been a
4 Streetwise employee?

5 MS. MAYHEW: Can I have a standing objection?

6 MR. FITZSIMMONS: You can have a standing
7 objection. You can have a standing objection to
8 the entire -- all of my questions, Miss Mayhew.

9 BY MR. FITZSIMMONS:

10 Q. For how many of the 17 years that you've
11 been a Streetwise employee have you filed income
12 taxes reporting your Streetwise income?

13 A. I don't remember.

14 Q. Okay. Did you file an income tax return
15 in the beginning of 2009 for the 2008 year?

16 A. No.

17 Q. Did you file an income tax return at the
18 beginning of 2008 for the 2007 year which includes
19 this event?

20 A. No.

21 Q. Now, correct me if I'm wrong, but what I
22 gather from you is that the Streetwise gives you
23 and other vendors -- rather, the Streetwise vendor
24 rep gives you and the other vendors some

1 newspapers, Streetwise newspapers, to sell; is that
2 correct?

3 A. We have to buy the papers.

4 Q. Oh, you have to buy the papers?

5 A. Yes.

6 Q. How much do you pay for the papers?

7 A. A dollar and a quarter.

8 Q. And how much do you sell the papers for?

9 A. Two dollars.

10 Q. And approximately how many papers do you
11 sell each day as a Streetwise vendor?

12 MS. MAYHEW: I'm going to object, especially if
13 you're trying to get into her official compensation
14 and the amount of money she makes. It's completely
15 irrelevant.

16 THE WITNESS: What I make, I don't know. It
17 varies.

18 BY MR. FITZSIMMONS:

19 Q. I'm going to direct your attention to
20 August 30, 2007. Do you recall what day of the
21 week that was?

22 A. Close to the weekend.

23 Q. Okay. What time did you start work that
24 day?

1 A. I had worked off and on all day.

2 Q. Since what time in the morning?

3 A. About 11.

4 Q. Okay. And where had you worked?

5 A. I started at Madison and Clark.

6 Q. And how many newspapers did you have that
7 day?

8 A. I don't know how many papers I had bought
9 that day.

10 Q. How many do you normally start with?

11 A. Sometimes 50, sometimes 30.

12 Q. At what time did you go to the area of
13 Michigan Avenue between Randolph and Lake?

14 A. About 7:00.

15 Q. At any time that day did you have anything
16 to eat?

17 A. Yes.

18 Q. What time did you eat?

19 A. About 5:00.

20 Q. Okay. Do you recall --

21 A. 4:30, 5:00.

22 Q. Do you recall what you had to eat that
23 day?

24 A. No.

1 Q. Do you recall where you went to eat?

2 A. McDonald's.

3 Q. Which McDonald's?

4 A. On Monroe and Clark.

5 Q. Okay. You've indicated that was about

6 5:00?

7 A. Huh?

8 Q. Do you recall -- I'm just trying to

9 clarify the time.

10 Did you say 5:00?

11 A. 4:30, 5:00 I went and ate.

12 Q. Did you have anything to drink that day?

13 A. No.

14 Q. Nothing?

15 A. No more than pop and water.

16 Q. Pardon me?

17 A. No more than pop and water because I don't

18 drink.

19 Q. Okay. When you went to Michigan Avenue

20 between Randolph and Lake, who were you with?

21 A. By myself at the time.

22 Q. After you got there who were you joined

23 by?

24 A. By myself.

1 Q. Okay. Did you remain there by yourself
2 throughout the entire evening?

3 A. No more than people coming up talking to
4 me.

5 Q. Okay. Well, who came up and talked to
6 you?

7 A. People that be down there on a regular
8 basis.

9 Q. Do you recall the names of any of those
10 people that are down there on a regular basis?

11 A. No.

12 Q. There is a relatively large community of
13 people that are around the Loop area on a regular
14 basis in the evening; is that correct?

15 A. People -- yes, it is. People would just
16 come up to you and just start a conversation.

17 Q. Okay.

18 A. And I couldn't tell you who they are.

19 Q. And these are people who spend a lot of
20 their time in the Loop area; is that correct?

21 A. Some of them, some of them not.

22 Q. Are you familiar with any of these people?

23 A. Not really.

24 Q. Okay. At the time that this incident

1 occurred with Mr. Granberg, who were you with at
2 that time?

3 A. Nobody.

4 Q. Were you talking to anyone?

5 A. I was talking to a girl.

6 Q. And who was that girl?

7 A. I don't know her name.

8 Q. Okay. Had you seen her before that day?

9 A. Yes.

10 Q. Have seen her since that day?

11 A. Yes.

12 Q. She spends a lot of time in the Loop area;
13 is that correct?

14 A. I don't know where she spend her time. I
15 just run into her in the Loop.

16 Q. Can you describe her for me?

17 A. Brown-skinned, about my height.

18 Q. So we're talking about a woman, correct?

19 A. Yes.

20 Q. African American?

21 A. Yes.

22 Q. Age?

23 A. Anywhere between her 40s and 50s.

24 Q. Okay. About your height; is that correct?

1 A. Yes.

2 Q. What was she wearing that day?

3 A. Some jeans, she had on some jeans.

4 Q. And what did she say to Mr. Granberg when
5 he hit you with the stick?

6 MS. MAYHEW: I'm going to object. I don't know
7 that we've established that she said anything at
8 all to him --

9 BY MR. FITZSIMMONS:

10 Q. Did she say anything to Mr. Granberg?

11 MS. MAYHEW: -- other that she was present when
12 Mr. Granberg was --

13 THE WITNESS: She wasn't even there when he hit
14 me with the stick.

15 BY MR. FITZSIMMONS:

16 Q. Well, you just said you were talking to
17 her.

18 A. I was talking to a lady. I didn't talk to
19 her that long.

20 Q. Okay. Well, how long did you talk to her?

21 A. Just a few minutes.

22 Q. Okay. And this was right at the same time
23 when Mr. Granberg came up to you?

24 A. No.

1 Q. When was this?

2 A. This was before he came up to me.

3 Q. How long before?

4 A. I can't tell you how long it was.

5 Q. How about a man, were you talking to a
6 man?

7 MS. MAYHEW: I'm going to object in terms of
8 the limited time and scope on that day.

9 BY MR. FITZSIMMONS:

10 Q. When Mr. Granberg approached you, were you
11 talking to a man?

12 A. Not when he approached me.

13 Q. Okay. At any time during the incident
14 with Mr. Granberg was there a man in the vicinity
15 who you knew?

16 A. Not that I knew.

17 Q. Okay. Well, was there a man in the
18 vicinity?

19 A. A man came up after he hit me with the
20 stick.

21 Q. Okay. Can you tell me -- can you describe
22 that man for me?

23 A. Kind of tall, kind of healthy, African
24 American, braids.

1 Q. Is he someone that you regularly see in
2 the area of the Loop?

3 A. No.

4 Q. How was he dressed?

5 A. Like a bum.

6 Q. Like a bum?

7 A. Yes.

8 Q. Okay. Would you describe him as one of
9 the homeless community?

10 A. I would.

11 Q. And the woman that you just described a
12 little while ago, would you describe her as someone
13 from the homeless community of the Loop area?

14 A. Just to look at her, no.

15 Q. Do you know for -- well, do you have any
16 belief as to whether or not she may be a member of
17 the homeless community in the north Loop area?

18 MS. MAYHEW: Objection, relevance as to her
19 personal thoughts on whether the woman may or may
20 not be homeless.

21 THE WITNESS: I don't judge people on what
22 really they have on.

23 BY MR. FITZSIMMONS:

24 Q. Well, I'm not asking you to judge. I'm

1 asking to indicate whether or not your belief or
2 your perception of her --

3 A. I can't give --

4 Q. -- based upon -- let me finish -- based
5 upon all the times you've seen her, the area you've
6 seen her at and the way she was dressed and
7 conducted herself, based upon all those
8 circumstances do you have any belief that she may
9 be a member of the homeless community or that she
10 is not a member of the homeless community?

11 A. If I'm just saying the way she dressed,
12 no.

13 Q. But aside from the way she's dressed, the
14 fact that she's down there, you see her frequently
15 and the way she talks and carries on, what would
16 you say?

17 MS. MAYHEW: Objection as to relevance.

18 Go ahead.

19 THE WITNESS: I see her from time to time, I
20 don't see her that frequent.

21 BY MR. FITZSIMMONS:

22 Q. Have you ever seen her selling Streetwise?

23 A. No.

24 Q. The man that you've just described, have

1 you ever seen him selling Streetwise?

2 A. No.

3 Q. You told me that you had a meeting with
4 Miss Rosen and Miss Mayhew several months ago at a
5 restaurant?

6 A. Yes.

7 Q. When is the first time after August 30,
8 2007, that you were contacted by any employee of
9 Metra about this lawsuit?

10 A. About a year ago.

11 Q. Okay. What happened a year ago, can you
12 tell my what kind of contact happened a year ago?

13 A. They just called me.

14 Q. When you say they, who is they?

15 A. I don't know which one of them it was.

16 Q. One of these ladies?

17 A. Yeah, yes.

18 Q. And did they call you at 773-503-2777?

19 A. Yes.

20 Q. And what was said? What did the Metra
21 employee say to you, and what did you say to the
22 Metra employee?

23 A. Well, all they said was they needed my
24 statement, if I could give it of what happened.

1 Q. Did you give a statement on the phone?

2 A. No.

3 Q. Okay. What did you tell them about giving
4 a statement?

5 A. I told them I would give a statement.

6 Q. Okay. And what other conversation did you
7 have during that phone call?

8 A. No more than what happened.

9 Q. You told them what happened?

10 A. Not on the telephone.

11 Q. Okay. Well, I'm talking about what was
12 said between you and the Metra employee on the
13 telephone.

14 A. Me and the Metra --

15 Q. Yeah, the person that called and you, what
16 did you talk about?

17 A. We set up a lunch date.

18 Q. That was when you set up the lunch
19 daylight at Maxie's; is that correct?

20 A. Yes.

21 Q. Okay. Now, when you with them at Maxie's,
22 were you working for Streetwise that day?

23 A. Yes.

24 Q. And it was several months ago?

1 A. Yes.

2 Q. Do you recall if it was in the winter when
3 it was cold and snowing?

4 A. I don't know.

5 Q. Okay. So you really have no recollection
6 of when that occurred, right? Is that fair to say?
7 I'm not trying to badger you.

8 MS. MAYHEW: I'm just going object to
9 mischaracterization of the testimony. She said it
10 was a few months ago.

11 MR. FITZSIMMONS: She's used the word several.
12 Every time you've corrected me on that.

13 MS. MAYHEW: I think she's used both, several
14 and few, so, I mean, other than her knowing that.

15 BY MR. FITZSIMMONS:

16 Q. Okay. So I'm asking you now, several
17 months ago was in the winter, was it in the winter
18 when it was cold?

19 A. It was in the winter.

20 Q. Okay. Who was there?

21 THE WITNESS: What is your name?

22 MS. MAYHEW: Mine?

23 THE WITNESS: Yes.

24 MS. MAYHEW: Jennifer Mayhew.

1 BY MR. FITZSIMMONS:

2 Q. Miss Mayhew was there; is that correct?

3 A. Miss Mayhew.

4 Q. And Miss Rosen?

5 A. Yes.

6 THE WITNESS: That's your name?

7 MS. ROSEN: Yes.

8 BY MR. FITZSIMMONS:

9 Q. Was anybody else there?

10 A. Two gentlemen.

11 Q. Did you get their names?

12 A. They gave it to me, but I don't remember.

13 Q. Did anybody have a tape recorder?

14 A. No.

15 Q. Did you see anybody writing notes on a pad
16 of paper?

17 A. Not at the time.

18 Q. Okay. Not at the time?

19 A. Not right then. I didn't see no paper or
20 pen.

21 Q. Okay. After you had that lunch were you
22 ever contacted by Metra again?

23 A. About a month ago.

24 Q. How did you -- how were you contacted

1 about a month ago?

2 A. By phone.

3 Q. Who called you, if you know?

4 A. I don't know which one of the ladies
5 called.

6 Q. One of the ladies, though, one of these
7 ladies here; is that correct?

8 A. Yes.

9 Q. What did you talk about during that phone
10 call?

11 A. We set up another lunch date.

12 Q. Okay. And when did you have lunch with
13 them pursuant to that conversation?

14 A. Yesterday.

15 Q. Okay. Yesterday being Thursday, June 11,
16 isn't that correct?

17 A. Yes.

18 Q. Okay. Where did you have lunch with them?

19 A. At Maxie's.

20 Q. At Maxie's.

21 Did they buy lunch?

22 A. Yes.

23 Q. Okay. How long did that meeting last?

24 A. About 45 to an hour.

1 Q. What did you discuss during that lunch?

2 A. Questions that I was going to be asked.

3 Q. Okay. What questions did they discuss
4 with you?

5 A. Of what happened, they asked me what
6 happened.

7 Q. Okay. And did you tell them what
8 happened?

9 A. Yes.

10 Q. Okay. Were you -- did you meet with both
11 ladies?

12 A. Yes.

13 Q. Were there any gentlemen there?

14 A. One.

15 Q. Do you know his name?

16 A. I can't recall it.

17 Q. So that was yesterday, and you can't
18 recall his name; is that correct?

19 A. I don't know his name.

20 Q. Did he introduce himself?

21 A. I'm not good with names.

22 Q. That's fair.

23 The gentleman, can you describe him to me?

24 A. Tall, African American, a little low cut

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1 natural.

2 Q. What was he wearing?

3 A. Nice pair of pants and a shirt, tie.

4 Q. Did he have a suit coat on?

5 A. I don't think he had a suit coat on.

6 Q. Do you recall what color the pants were?

7 A. No.

8 Q. Okay. Did he introduce himself to you?

9 A. He introduced himself.

10 Q. Is he a lawyer or is he a police officer?

11 MS. MAYHEW: Or something else.

12 THE WITNESS: He didn't say what he was.

13 BY MR. FITZSIMMONS:

14 Q. Okay. Did he give you a business card?

15 A. No.

16 Q. Did they -- was anybody using a tape
17 recorder?

18 A. No.

19 Q. After August 30, 2007, when is the next
20 time you met one of the Metra police officers that
21 were involved in this incident?

22 A. I haven't met them.

23 Q. Okay. Had you ever met or talked to
24 either one of those two Metra police officers --

1 A. No.

2 Q. -- of August 30, 2007, before that date?

3 A. No.

4 Q. Okay. Do you know the names of either one
5 of those Metra police officers?

6 A. No, I don't.

7 Q. You said that Mr. Granberg ran from the
8 7-Eleven area in a southwest direction, correct?

9 A. Yes.

10 Q. Down do Randolph Street and then more west
11 than southwest; is that correct?

12 A. Well, it was about a half block west.

13 Q. Now, did you see him fall at any time and
14 lose his shoe?

15 A. I turned my head.

16 Q. Okay. When you turned your head back,
17 what was going on?

18 A. They was over in the grass.

19 Q. Okay. And he refused to put his hands
20 behind his back to be handcuffed; is that correct?

21 A. Yes.

22 Q. How many times was it necessary for the
23 Metra officer to strike him with a baton before
24 Mr. Granberg -- answer my question -- before

1 Mr. Granberg complied and put his hands behind his
2 back?

3 MS. MAYHEW: I'm going to object to the form of
4 the question, mischaracterization of testimony,
5 particularly since she testified he never used a
6 baton.

7 MR. FITZSIMMONS: All right.

8 MS. MAYHEW: Form of the question, foundation.

9 MR. FITZSIMMONS: Can you read it back?
10 (Whereupon, the record was read as requested.)

11 BY MR. FITZSIMMONS:

12 Q. How many times was it necessary for the
13 police officer to strike Mr. Granberg with a baton
14 before Mr. Granberg complied and put his hands
15 behind his back?

16 MS. MAYHEW: Objection, foundation.

17 MR. FITZSIMMONS: Your objection is already
18 noted. You interrupted her answer. Counsel, I
19 consider this to be an unethical way to preclude
20 her from answering in spontaneous manner.

21 MS. MAYHEW: I'm allowed to make my objections.

22 MR. FITZSIMMONS: You have.

23 MS. MAYHEW: Since you had to reask the
24 question because she missed, I wanted to make sure

1 that my objections were properly noted. My
2 objections are mischaracterization of the
3 testimony, form of the question and foundation.

4 BY MR. FITZSIMMONS:

5 Q. Do you understand the question?

6 A. Yes.

7 Q. Okay. Your answer is?

8 A. He never hit him with no baton.

9 Q. He never hit him.

10 A. That I saw?

11 Q. How would you describe that first police
12 officer physically?

13 A. The average officer.

14 Q. The average officer, what is the average
15 officer?

16 A. Talking to you first, asking you to put
17 your hands behind your back.

18 Q. Okay. What did he look like? He was
19 obviously a man, correct?

20 A. Yes.

21 Q. He was in some type of a black uniform,
22 correct?

23 A. Yes.

24 Q. Was he African American or White?

1 A. African American.

2 Q. How tall was he, short, medium, tall?

3 A. Shorter than you.

4 Q. Shorter than me, okay.

5 Was he well-built and muscular or average
6 in size?

7 A. He was kind of on the average size.

8 Q. Okay. And about how old would he be, 25
9 to 35, 35 to 45, 55? How old?

10 A. I really can't answer that because you
11 can't look at people these days and tell how old
12 they is.

13 Q. So what you're saying is that you have no
14 idea how old he may have been?

15 A. No.

16 Q. Okay. Now, you said there was a second
17 police officer that came out, they talked on a
18 walkie-talkie and then came up from the Metra
19 station; is that correct?

20 A. Yes.

21 Q. Describe him.

22 A. He was African American, I guess about
23 your height, black uniform. That's about it.

24 Q. Okay. Young man?

1 A. I can't tell you if he was young or old.

2 Q. Would you recognize him again if you were
3 to see him?

4 A. Not really, it's been so long.

5 Q. Okay. In that -- in the time that it's
6 been so long which is almost two years now, a lot
7 of your memory has faded; is that correct?

8 A. Some of it has.

9 Q. Okay. How long did you remain in the
10 Metra station?

11 A. About 40 minutes to an hour.

12 Q. Now, during the time that you were in the
13 Metra station, what was physically wrong with you?

14 A. My wrist.

15 Q. Was it broken?

16 A. No.

17 Q. Okay. Was it bleeding?

18 A. No. It had swole.

19 Q. It?

20 A. Had swollen right up in here.

21 Q. It was swollen?

22 A. Yes.

23 Q. Who called the -- you indicated an
24 ambulance came. Who called for the ambulance, if

1 you know?

2 A. Metra.

3 Q. What kind of an ambulance was it?

4 A. A Chicago ambulance.

5 Q. When you say Chicago, would that be the
6 Chicago fire department?

7 A. Yes.

8 Q. Did the paramedics take a look at your
9 wrist?

10 A. They looked at it.

11 Q. Did they take you in the ambulance to a
12 hospital?

13 A. Yes.

14 Q. Which hospital?

15 A. Northwestern.

16 Q. What happened at Northwestern Hospital
17 after you got there?

18 A. Well, they took my name and stuff after
19 the ambulance had gave them the paper.

20 Q. And you gave them the name, Deborah
21 Coleman; is that correct?

22 A. Yes.

23 Q. Did you give them your correct street
24 address?

1 A. Yes, I did.

2 Q. Okay. And who did you give that
3 information to?

4 A. I gave it to a nurse.

5 Q. Okay. And what did they do for your
6 injury after that?

7 A. They took x-rays.

8 Q. Okay.

9 A. When the x-rays came back they just told
10 me that I had a bruise on it and told me to keep it
11 in the sling.

12 Q. Did they give you any instructions in
13 writing?

14 A. Keep a cold pack on it.

15 Q. Did they give you any instructions in
16 written form?

17 A. They put on there to keep a cold pack on
18 it.

19 Q. Okay. So would it be fair to say they did
20 give you some written document that had
21 instructions on how to treat your injury?

22 A. They gave me a paper that already be wrote
23 up.

24 Q. Did you keep those papers?

1 A. I don't know what I did with them.

2 Q. Okay. Did you ever get a bill from
3 Northwestern Hospital?

4 A. Yes.

5 Q. Do you still have any of those bills?

6 A. I threw them in the garbage. I can't
7 afford to pay for them.

8 Q. Okay. Do you wear glasses?

9 A. Yes.

10 Q. Do you have your glasses today?

11 A. Not my seeing glasses, but I got glasses
12 on my head.

13 Q. Well, what are --

14 A. These just some -- just some glasses.

15 Q. When you say your seeing glasses, what do
16 you mean by seeing glasses?

17 A. Prescription glasses.

18 Q. Okay. What kind of a sight disability do
19 you have, if you know?

20 A. Nearsighted.

21 Q. Okay. Who prescribes your glasses or who
22 examines your eyes? Let's start with who examines
23 your eyes first.

24 A. For Eyes I think it was on Michigan and --

1 I mean State and Madison.

2 Q. State and Madison?

3 A. Yes.

4 Q. Did you buy your glasses from For Eyes?

5 A. I think it's For Eyes, I'm not for sure if
6 that's the exact name, but I know I bought them on
7 Michigan and Madison.

8 Q. Okay. Did you have your eyeglasses with
9 you on August 30, 2007?

10 A. In my purse.

11 Q. Okay. But you weren't wearing them when
12 all of this happened; is that correct?

13 A. No.

14 Q. Have you ever had eyeglasses prescribed or
15 sold to you by Cook County Hospital?

16 A. No.

17 Q. Do you have any kind of an insurance card
18 or insurance plan that would provide you with
19 eyeglass benefit?

20 A. No.

21 Q. Do you recall how much your glasses cost?

22 A. It was is a hundred-and-something dollars
23 for the exam and the glasses.

24 Q. And how long ago was that?

1 A. About three years.

2 Q. At any time during this incident did you
3 see any blood on my client, Mr. Granberg?

4 A. No.

5 Q. Did you see any injuries?

6 A. No.

7 Q. Did you see these police officers strike
8 him?

9 A. No.

10 Q. Would it be fair to say that his repeated
11 comments about the real police made these officers
12 mad?

13 MS. MAYHEW: Object, speculation.

14 BY MR. FITZSIMMONS:

15 Q. To you, did they appear to be angry about
16 the comments that he wanted real police?

17 A. Did he?

18 Q. Did either one of the Metra police
19 officers --

20 A. No.

21 Q. -- appear to be mad?

22 A. No.

23 Q. Okay. You have not seen either one of
24 these police officers since that date; is that

1 correct?

2 A. No.

3 Q. Have you ever been chased out of the Metra
4 station for selling Streetwise?

5 A. I don't sell at Streetwise (sic).

6 Q. Pardon me?

7 A. I don't sell at Metra station.

8 Q. Is there somebody who does?

9 A. A gentleman upstairs.

10 Q. And what is his name?

11 A. I don't know his name.

12 Q. Aside from the meetings we talked about
13 between you and the Metra attorneys, has any Metra
14 investigator or any other Metra employee ever
15 approached you and taken a written statement?

16 A. No.

17 Q. Have you ever been asked to sign some type
18 of a written statement?

19 A. No.

20 Q. To the best of your knowledge has anyone
21 ever made a tape recording of any of your
22 statements?

23 A. No.

24 Q. Do you know whether or not when you had

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1 the first lunch whether or not the two men that
2 were with Ms. Rosen and Mayhew were attorneys?

3 A. I don't know.

4 Q. Did they introduce themselves to you?

5 A. Yes.

6 Q. Would it be fair to say that prior to --
7 just a few minutes ago that even though you met
8 with Miss Mayhew and Miss Rosen at least twice, you
9 didn't recall their names; is that correct?

10 A. I'm not good with names.

11 Q. Okay. At any time during this incident
12 did you see Mr. Granberg lose his shoe?

13 A. I didn't see him lose his shoe.

14 Q. When they took him downstairs in
15 handcuffs, did he have two shoes on or one shoe?

16 A. He was carrying a shoe.

17 Q. How was he carrying it?

18 A. In his hand.

19 Q. And where were his hands?

20 A. Behind his back.

21 Q. So he was carrying a shoe behind his back?

22 A. Carrying a shoe.

23 Q. And he also took out an identification
24 card?

1 A. I don't know if he took it out or what.
2 He had it out and he dropped it.

3 Q. Okay. It's necessary to advise you that I
4 am going to go to court and ask for an order that
5 will compel you to answer some of the questions
6 that you refused to answer, so we may be back here
7 again. But as far as I'm concerned at this point
8 I'm done with all those questions.

9 MS. MAYHEW: With that proviso, I mean, I think
10 we're done.

11 MR. FITZSIMMONS: Are you done, too? No
12 redirect?

13 MS. MAYHEW: Just give me two seconds.

14 MR. FITZSIMMONS: No lawyer takes two seconds.

15 MS. MAYHEW: I'm good. No further questions.

16 MR. FITZSIMMONS: Let's do signature.

17 MS. MAYHEW: Of course pending any motion that
18 Mr. FitzSimmons brings before the court and
19 whatever might happen with that with respect to
20 this deposition today, you have a right in the
21 event it's ordered to be written up to review it
22 and go over it and make corrections. The only kind
23 of corrections you can make are to spelling,
24 punctuation, grammar. You cannot change the nature

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1 of your testimony. You can't change a yes to a no
2 or anything like that.

3 The other option is that if this is
4 ordered to be written or transcribed, you think
5 everything's been taken down fine, you don't need a
6 copy, you don't need to review it. Which would you
7 like to do?

8 MS. ROSEN: You should know people do it both
9 ways. It doesn't matter to the attorneys here.

10 MR. FITZSIMMONS: And I am going to order it.

11 THE WITNESS: I'll get a copy.

12 MS. MAYHEW: Show reserved.

13 FURTHER DEPONENT SAITH NAUGHT.
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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF C O O K)

4 I, RAELENE STAMM, a Notary Public within
5 and for the County of Cook and State of Illinois,
6 do hereby certify that heretofore, to-wit, on the
7 12th day of June 2009, personally appeared before
8 me DEBORAH COLEMAN, a witness in a certain cause
9 now pending and undetermined in the United States
10 District Court, Northern District of Illinois,
11 Eastern Division, wherein MATTHEW GRANBERG is the
12 Plaintiff and METRA POLICE OFFICER DION KIMBLE,
13 STAR NUMBER 105, SERGEANT ALFRED COLLINS, and
14 POLICE OFFICER LARRY GEANES are the Defendants.

15 I further certify that the said DEBORAH
16 COLEMAN was by me first duly sworn to testify the
17 truth, the whole truth, and nothing but the truth
18 in the cause aforesaid; that the testimony then
19 given by said witness was reported stenographically
20 by me in the presence of said witness and
21 afterwards reduced to typewriting by Computer-Aided
22 Transcription, and the foregoing is a true and
23 correct transcript of the testimony so given by
24 said witness as aforesaid.

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1 I further certify that the signature to
2 the foregoing deposition was not waived by counsel
3 for the respective parties.

4 I further certify that the taking of this
5 deposition was pursuant to Notice and that there
6 were present at the deposition the attorneys
7 hereinbefore mentioned.

8 I further certify that I am not counsel
9 for nor in any way related to the parties to this
10 suit, nor am I in any way interested in the outcome
11 thereof.

12 IN TESTIMONY WHEREOF: I have hereunto set
13 my hand and affixed my notarial seal this 22nd
14 day of June, 2009.

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24

Raene Stamm

NOTARY PUBLIC, COOK COUNTY, ILLINOIS



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EXHIBITS

(Court Branch # or District #) (Court Date/Time) (Arresting Agency #)

MISDEMEANOR COMPLAINT (This form replaces CCG-0655, CCMC-0222 & CCMC-0225)

(Rev. 12/7/00) CCCR 065

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois,

Plaintiff

v.

NO. _____

MATTHEW GRANBERG

Defendant.

Deborah Coleman

(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states the following:

That: MATTHEW GRANBERG of 6119 SONOMA WAY - OAKLAND, CA has, on or about

AUGUST 30, 2007 at the location of 151 N-MICHIGAN AVE. CHICAGO, IL

committed the offense(s) of Battery

in that he/she knowingly/intentionally, without legal justification, caused bodily harm to Deborah Coleman, made physical of an insulting nature, to wit: HE STRUCK HER ON THE WRIST WITH A 1" X 2" X 3' WOODEN STICK, AS WITNESSED BY METRA POLICE OFFICER D. KIMBLE, #957

in violation of 720 Illinois Compiled Statutes 5 12-3 (a) (1)

(Chapter)

(Act)

(Sub Section)

AOIC Code

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STATE OF ILLINOIS } ss:
COOK COUNTY

x Deborah Coleman

(Complainant's Signature)

11029 S. PARNELL - CHICAGO, IL 60628

(Complainant's Address)

773-503-2777

(Complainant's Telephone)

DEBORAH COLEMAN

(Complainant's Name Printed or Typed)

The complainant, being first duly sworn on oath, deposes and says that he/she read the foregoing complaint by him/her subscribed and that the same is true.

Deborah Coleman

(Complainant's Signature)

Subscribed and sworn to before me on this 30 day of AUGUST, 2007

St. A. Accorin

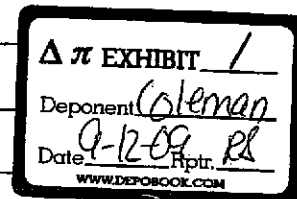
(Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge _____

WARRANT ISSUED, Ball set at: _____

BAIL SET AT: _____ Judge _____



DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS